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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,473	01/19/2001	Steven D. Kim	MPAT.182C1	1039

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EXAMINER

LE, HIEU C

ART UNIT PAPER NUMBER

2142

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/766,473

Applicant(s)

KIM ET AL.

Examiner

Hieu c. Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The Applicant's argument filed 2/23/05 have been fully considered but they are moot in view of the new grounds of rejection.

Warning

2. Applicant is advised that should claim 8 be found allowable, claim 9 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claims Objection

3. Claims 18-23 are objected to under CFR 1.75. Claim 18 is a method of claim, and claim 10 is a system claim.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 13-17, 19-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites the limitation "the set of resources" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claims 14-17, 19-23, refer to claim 13 rejection.

Claim Rejections - 35 U.S.C. § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 7&10, are rejected under 35 U.S.C. 102(e) as anticipated by Horman (6,785,706).

As to claim 7, Horman discloses a method of *synchronizing configuration parameters on a server with a database of stored configuration parameters (Fig. 3) comprising:*

automatically updating said at least one application program configuration parameter [a server application which provides a high-level view of how an administered server synchronize (col. 8, line 60-col. 9, line 5)] in response to updating at least one corresponding stored application confirmation parameter in said database (col. 9, lines 1-20).

As to claim 10, refer to claim 7 rejection. Horman further discloses means for automatically maintaining synchronization between said set of configuration parameters stored on said at least one network server and said copy of the set of configuration parameters stored in said database (col. 2, lines 47-50, & col. 6, lines 26-50).

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Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 8-9, 11, 13-17, 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horman (6,785,706)as applied to claim 7 in view of Dan et al

As to claim 8, Horman does not disclose comprising reversing a database update in the event of an indication of an error during the process of updating the server.

Dan discloses the web management system includes a server-side back end daemon communicatable with database and file system (col. 3, lines 3-6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Dan's teachings to modify the method of Horman by reversing a database update in the event of an indication of an error during the process of updating the server in order to provide to eliminate the cost of shrink -wrapping and facilitate optional automatic online software upgrades.

As to claim 9, refer to claim 8 rejection.

As to claim 11, Dan further discloses wherein the server is operated by a web-hosting provider (fig. 2, item 25).

As to claim 12, Dan further discloses wherein each application program configuration program parameter defines at least in part a set of resources on the server

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available to a particular customer of the web hosting provider (Fig. 2, col. 14, lines 38-43).

As to claims 13,15-17, Dan further discloses wherein the set of resources comprises disk space, memory space, communication bandwidth, processor capacity (Fig. 2, database 50, is a memory space that stored in the webpages).

As to claim 14, Dan further discloses wherein the set of resources comprises a network address (Fig. 2, database 50, is a network resource available to user 10).

As to claim 18, refer to claim 12 rejection.

As to claims 19, 21-23 refer to claims 13,15-17 rejection.

As to claim 20, refer to claim 14 rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le whose telephone number is (571) 272-3897. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Caldwell Andrew, can be reached on (571) 272-3868. The fax phone number for this Group is (571)-273-3897.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 273-8300.

Hieu Le



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER